FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval, as a nonconforming use, for the existence of a cottage with side yard setback of 1.5 ft. in lieu of required 35 ft. (BCZR 1A01.3.B.3); and, pursuant to a Petition for Zoning Variance, a variance from Section 400.1 to permit existing shed to extend into the side yard, in lieu of the rear yard, as more particularly described on Petitioners' Exhib-

The Petitioners appeared, testified and were represented by Keith R. Truffer, Esquire. Also appearing on behalf of the Fetition was Theodore Hines. Appearing as Protestants were Richard and Diane Crone.

Testimony indicated that the subject property known as 6027 Loreley Beach Road consists of .3472 acres +/- zoned R.C.2 and is located within the Chesapeake Bay Critical Area.

Proffered testimony indicated that the Petitioners are desirous of establishing the legal nonconforming use of the subject "cottage" as indicated on Petitioners' Exhibit No. 1 and the pictorial evidence. The Petitioners have requested a cottage and not a dwelling house or unit. There is no evidence this building is a home or dwelling. In fact, the Petitioners claim no person resides at this location.

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

as a non-conforming use, the existence of a cottage with side yard

Property is to be posted and advertised as prescribed by Zoning Regulations.

tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

setback of 1.5' in lieu of required 35' (BCZR 1A01.3B.3).

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions.

Legal Owner(s):

Richard J. Romano (Type or Print Name)

Debra A. Romano

City and State

1991, that the subject matter of this petition be advertised, as

Dane 418 -91. Zoning Commissioner of Baltimore Comm

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

dut Baltimore County, that property be posted, and that the public hearing be had before the Zoning

commissioner of Baltimore County in Room 108 County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _______ o'clock

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this Petition.

6027 Loreley Beach Road

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Baltimore, Maryland 21221

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

City and State

Attorney for Petitioner:

(Type or Print Name)

102 W. Pennsylvania Ave., Suite

Towson, Maryland 21204-4575

Attorney's Telephone No.: (301) 823-1800

MON-/TUES./NLO. - HEAF 200 MONTES

Keith R. Truffer

City and State

PESTIMATED LENGTH OF HEARING

(Type or Print Name)

Testimony indicated that Theodore Hines, the father of Debra Romano, Petitioner, purchased the subject property in the early 1960s and that the subject cottage was in existence at that time. Mr. Hines testified that he had visited the subject property for the first time in the 1950s and that he has personal recollection of the cottage being on the property at that time. He also indicated that his sister in-law had owned the property some 10 to 12 years prior to the 1950s, but could recall no date certain of when his sister in-law actually owned the property or whether the subject cottage was on the property at that time. Testimony indicated that the cottage has an electrical hookup, but no water or sewage.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The Petitioners presented no evidence, hearsay or otherwise, that the Commissioner could base a finding of the cottage being a lawful nonconforming use pre-existing January 2, 1945. Mr. Hines did not own the property until 1963, and testified to only visiting same in the 1950s. There was no evidence produced by the Petitioners indicating anyone having personal knowledge of the cottage predating January 2, 1945. Therefore, the Petition for Special Hearing must be denied.

The Petitioners have also requested the aforementioned variance relief. In view of the fact that the Petition for Special Hearing has been denied, the request for zoning variance has been rendered moot and will, therefore, be dismissed

TICAL AREA 1100

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Coun-Male, 1991, that the Petition for Special Hearing, as a nonconforming use, for the existence of a cottage with side yard setback of 1.5 ft. in lieu of required 35 ft., is hereby DENIED; and,

Exhibit No. 1, is hereby DISMISSED.

present location on or before August 1, 1994.

Zoning Commissioner for Baltimore County

cc: Peoples Counsel

Towson, MD 21204

111 West Chesapeake Avenue

July 15, 1991

Keith R. Truffer, Esquire 102 West Pennsylvania Avenue, Suite 600 Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance Richard J. Romano, et ux, Petitioners Case #91-421-SPHA

Dear Mr. Truffer:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

> . ROBERT HAINES Zoning Commissioner for Baltimore County

cc: Peoples Counsel cc: Mr. and Mrs. Richard Romano

cc: Mr. and Mrs. Richrd Crone

CERTIFICATE OF POSTING

Tourse, Meryland		
series 11th	Date of Pasting 6/1/21	
ende l	or when Beach Re arrow 700' IF / Lords Bow	4
N. Lor. Ly Beach to	Lord Boat Rd GARRE 15 Fr	
Youdway, en for	porty 4 felilionexe	
temeris: Milkel	Date of return: 6/14/9/	

CERTIFICATE OF PUBLICATION

TOWSON, MD., $\frac{m_{\text{AU}}}{3!}$, 19 $\frac{4!}{3!}$ The Zorting Constrictions of Baltimore County, by authority of the Zoning Act and Plegulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on Information THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on $\underline{-/1/429}$, 19 \underline{Q} Case Number: 91-421-SPHA SWS Loreley Beach Road, approximately 700' SE of VS of Loreley Beach and North

Special Hearing: A non-con-forming use, the existence of a

Variance: to permit existing shed to extend into side yard, in lieu of

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
N/J/5/343 May 30.

THE JEFFERSONIAN,

5. Zehe Orlan

343 - 5 7076

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-421-5PHA The undersigned, legal owner(s) of the property situate in Baltimore County and which is -----of the Zon Petit in tha was c pad a into petition, ar Contract F Keith **Towson** required bout Baltime Commission County, on

m the descripment and plat attached he	reto and made a part nereof, nereby petition for a	
rom Section 400.1 to permit ex	cisting shed to extend into side	
in lieu of rear yard.		
ing Dogulations of Dalling		100 con contract of the contra
reasons: (indicate hardship or practical	the Zoning Law of Baltimore County; for the difficulty)	CRITICAL AREA CER 8 3 9 8 PAGE 1 3 3
ioner would suffer unnecess	sary hardship or procedure sies:	
onstructed by prior owners:	(2) shed is affixed to a serious	DEED IS BEING RERECORDED TO MAKE CORRECTION IN LEGAL DESCRIPTION.
nd cannot be moved without side yard by approximately	Gestroying the shed: (2) shed antender	THIS DEED, Made this 18th day of fourther 1. 8; by the
fara by approximately	three feet.	between THEODORE R. HINES, party of the first part; and DEBRAR ROMANO and RICHARD ROMANO, husband and wife, parties of the second contracts.
		91-421-SPHA Leonar & Burk
erty is to be posted and advertised as	prescribed by Zoning Regulations.	WITNESSETH, that in consideration of the party of the $2/\mu/q$
we, agree to pay expenses of above Var	iance advertising, posting, etc., upon filing of this	first part's love and affection for his daughter Debra H. Romano and son-in-law Richard Romano, and other good and valuable
County adopted pursuant to the Zoning	d by the zoning regulations and restrictions of Law For Baltimore County.	considerations and the party of the second part, the party of the
•	I/We do solemnly declare and affirm,	first part does grant and convey unto the parties of the second part as tenants by the entireties, their assigns, the survivor of
	under the penalties of perjury, that I/we	them and the survivor's heirs, personal representatives and
	are the legal owner(s) of the property which is the subject of this Petition.	assigns, in fee simple the hereinafter property situate in Baltimore County, State of Maryland and described as follows, that
Purchaser:	Legal Owner(s):	is to say:
	Richard J. Romano	
r Print Name)	(Type or Print Name)	BEGINNING for the same at a point on the southwest side of a 30 foot road now laid out for the use in common at a distance
	Richard A Roman	of 547.00 feet measured northwesterly along the southwest side of
re	Signature	said road from-a stone now set at the intersection of the southwest side of said road and the North 30 degrees 57 perch line
	Debra A. Romano	of the land which by Confirmatory Deed dated September 27, 1906
	(Type or Print Name)	and recorded among the Land Records of Baltimore County in Liber
i State	Signature .	WPC No. 303 folio 481, was conveyed by Hannah J. A. H. Bowerman, widow to Frank Hoen, said stone being located north 32 degrees 8
for Petitioner:		minutes F222 18 feet from stone heretofore set at the point of
R. Truffer	6027 Loreley Beach Road	beginning* and binding on the southwest side of said road North 41 degrees 25 minutes West 50 feet thence for a line of division
r Print Name)		South 32 degrees 5 minutes West 310 feet more or less to the shore line and waters of Bird River thence Southeasterly binding on the
	Baltimore, Maryland 21221	- shore lien and waters of Bird River 50 feet more or less to
re d	City and State	intersect a line drawn South 32 degrees 5 minutes West from the place of beginning and thence reversing said line so drawn and
Pennsylvania Ave., Suite	Name, address and phone number of legal owner, con-	binding thereon North 32 degrees 5 minutes E290 feet more or less
600	tract purchaser or representative to be contacted	to the place of beginning.
, Maryland 21204-4575		* of said line and running thence from said point of beginning
	Name	BEING the same lot/parcel of ground which by Deed dated April 28, 1987 and recorded among the Land Records of Baltimore 13.00
Telephone No.: <u>(301)</u> 823-1800	Address Phone No.	County in Liber 7509! folio 736, was granted and conveyed by
OPED By The Zoning Committee	A	Theodore R. Hines unto Theodore R. Hines, Jr., et al. DEED SM CLERK 13.00
TTIBLE CA	Baltimore County, this day	#58372 COO2 RO2 T11
by the Zoning Law of Baltimore County	subject matter of this petition be advertised, as in two newspapers of general circulation through-	ALSO BEING the same lot of ground which by deed dated 02/06. November, 1989 and recorded or intended to be recorded among the
iore codition time broberry he posted an	O LOSE TOP DIDDLE DESCRIPT DE DOC DELOTE ELA VARIAR	The property of Reltimore County immediately prior nereto was
theday of	6, County Office Building in Towson, Baltimore	granted and conveyed by Theodore R. Hines, Jr., et al., unto the said party of the first part, Grantor herein.
uie day of	, 19, at o'clock	
		ENCE FOR TRANSFER TO THE TRANS
		tate Department of 40t Manager 177 177 177 188 188 188 188 188 188 188
	Zoning Commissioner of Baltimore County.	Bakimpre County SIGNITURE - BALTHON - BULL COM
·		
(07	er)	Date 1-23-90 Sic 11-25 C

IT IS FURTHER ORDERED that, pursuant to a Petition for Zoning Variance, a variance from Section 400.1 to permit existing shed to extend into the side yard, in lieu of the rear yard, in accordance with Petitioners'

IT IS FURTHER ORDERED that the cottage shall be removed from its

NOTICE OF HEARING The Zoning The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towsor as follows:

Cont. Number: 11,421,52HA Case Number: 91-421-SPHA
SW/S Lorel
approximate
of Loreley Beach
fload
approximately 700' SE of US
of Loreley Beach Road
fload
fload
6027 Loreley Beach Road
6027 Loreley Beach Road 5th Councilmanic Petitioner(s): Richard J. Ramano, et ux

Special Heer Special Hearing: A non-conforming use, the forming use, the existence of a cottage with side cottage with side yard setbacks of 5 ft. in lieu of t 1.5 ft. in lieu of the required 35 ft.

Ance: to per Variance: to permit existing shed

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of ____successive weeks, the first publication appearing

on_ may 30,1991

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

343-\$1076

CRITICAL AREA 4/18/91 H9100400 ... PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 030 -SPECIAL HEARING (IRL) 04A04#0135MICHRC

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue owson, Maryland 21204

Account: R-001-6150

receilpt

全岛都市国际的特别新兴区科联区 Please Make Checks Payable To: Baltimore County)(74 (12) (15) 25 (2)

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

887-3353

Mr. & Mrs. Richard J. Romano 6027 Loreley Beach Road Baltimore, Maryland 21221

Case Number: 91-421-SPHA Loreley Beach and North Loreley Beach Road 6027 Loreley Beach Road 11th Election District - 5th Councilmanic Petitioner(s): Richard J. Ramano, et ux HEARING: WEDNESDAY, JUNE 26, 1991 at 9:00 a.m.

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

111 West Chesapeake Avenue Towson, MD 21204

SW/S Loreley Beach Road, approximately 700' SE of I/S of

Dear Petitioner(s):

Please be advised that $\frac{120.76}{}$ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: Keith R. Truffer, Esq.

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue

Towson, MD 21204

June 3, 1991

887-3353

Keith R. Truffer, Esquire 102 W. Pennsylvania Avenue, Suite 600 Towson, MD 21204-4575

> RE: Item No. 400, Case No. 91-421-SPHA Petitioner: Richard J. Romano, et ux Petition for Special Hearing and Zoning Variance

Dear Mr. Truffer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Richard J. Romano 6027 Loreley Beach Road Baltimore, MD 21221

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 1st day of May, 1991.

ZONING COMMISSIONER

Received By:

Crayman, Zoning Plans Advisory Committee

Petitioner: Richard J. Romano, et ux Petitioner's Attorney: Keith R. Truffer BALTIMORE COUNTY, MARYLAND

DATE: May 10, 1991

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385 Stanley Z. Steinberg, Item No. 392 John D. Ferenchik, Item No. 396 Andrew F. David, Item No. 399 Richard J. Romano, Item No. 400 White Marsh Joint Venture, Item No. 401 Francis T. Leyden, Item No. 402 Charles A. Romano, Item No. 404 Dale J. Lohman, Item No. 405 T & G Partnership, Item No. 407 Westview Mall Association, Item No. 408 George Bromwell, Item No. 409

Hawley Rodgers, Item No. 412 Joseph Ruzza, Item No. 416 Ronald L. Morman, Item No. 418 Victor Khouzami, Item No. 422

In reference to the Petitioners' request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of

Baltimore County will hold a public hearing on the property identified herein in Room 106 of the

Special Hearing: A non-conforming use, the existence of a cottage with side yard setbacks of 1.5

Variance to permit existing shed to extend into side yard, in lieu of rear yard.

County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

887-3353

111 West Chesapeake Avenue

Towson, MD 21204

Case Number: 91-421-SPHA

6027 Loreley Beach Road

Zoning Commissioner of Baltimore County

cc: Keith R. Truffer, Esq.

Richard J. Romano, et ux

SW/S Loreley Beach Road, approximately 700' SE of I/S of

Loreley Beach and North Loreley Beach Road

HEARING: WEDNESDAY, JUNE 26, 1991 at 9:00 a.m.

11th Election District - 5th Councilmanic Petitioner(s): Richard J. Ramano, et ux

ft. in lieu of the required 35 ft.

May 17, 1991

DATE: May 30, 1991

Zoning Commissioner Rahee J. Famili

Mr. J. Robert Haines

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 30, 1991

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

RJF/lvd

700 East Joppa Road Suite 901 Towson, MD 21204 5500

(301) 887-4500

MAY 1, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner:

RICHARD ROMANO

Location:

#6027 LORELEY BEACH ROAD

Item No.: 400

Zoning Agenda: APRIL 30, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group

REVIEWER: Approved Castown Fire Prevention Bureau Special Inspection Division

Memo to Mr. J. Robert Haines

shall be permitted.

1. Regulation: After program approval, local jurisdictions shall permit the continuation, but not necessarily the

of program approval <COMAR 14.15.02.07>.

intensification or expansion of any use in existence on the date

<u>Finding:</u> If this use is recognized as a non-conforming use, then its continuation, but not necessarily its intensification,

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and

Findings listed above. This proposal does comply with Chesapeake Bay

questions, please contact Mr. David C. Flowers at 887-2904.

Critical Area Regulations, and is therefore approved. If there are any

REGULATIONS AND FINDINGS

June 25, 1991

CONCLUSION

JJD:DCF:ju

Attachment

cc: The Honorable Vincent Gardina

Mr. Ronald B. Hickernell

The Honorable Donald Mason

JK/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991

FROM: Dennis A. Kennedy, P.E.

Zoning Advisory Committee Meeting for April 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 385, 392, 393, 396, 399, 400, 401, 402, 403 and 404.

For Items 347 (Case #91-374-A), 394 and 395, the previous County Review Group Meeting comments are still applicable.

For Item 397, a revised County Review Group Meeting is required.

For Item 398, a County Review Group Meeting is required.

Dennis A. Kennedy F.E., Acting Chief, Developers Engineering Division

ROYSTON, MUELLER, McLEAN & REID ATTORNEYS AT LAW

R. TAYLOR MCLEAN RICHARD A. REID E HARRISON STONE C. S. KLINGELHOFER III THOMAS F. McDONOUGH EUGENE W. CUNNINGHAM, IR LAUREL PARETTA EVANS KEITH R. TRUFFER ROBERT 5. HANDZO

EDWARD I. CILLISS

SUITE 600 102 WEST PENNSYLVANIA AVENUE TOWSON MARYLAND 21204-4575 (301) 823 (800 TELECOPIER FAX (30)) 828-7859 July 22, 1991

JOHN W BROWNING STEPHEN J. KARINA JULIA OʻHARA BERK ____ OF COUNSEL CARROLL W. ROYSTON H. ANTHONY MUELLER JOHN L ASKEW

J. Robert Haines, Esq. Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Commissioner Haines:

Re: Item No. 400, Case No. 91-421-SPHA Petitioner: Richard J. Romano, et ux.

C LARRY HOFMEISTER. IR

TRACEY E. SKINNER

11th Election District - 5th Councilmanic

I have received the Commissioner's Opinion in this matter dated July 16, 1991. I ask that the Commissioner reconsider the portion of the Opinion dealing with the Request for Zoning Variance (relating to the small shed on the property). In the Opinion, the Commissioner categorizes the request as moot and therefore dismisses it. I disagree. I believe the Request for Variance stands on its own and must be treated as such.

It may be suggested that because the request for a non-conforming use was denied, the cottage will be torn down and thus the issue of the location of the shed is of no matter. However, the property owners may well appeal the Commissioner's Opinion and produce additional evidence before the Board of Appeals, or refile the issue relating to the cottage as a Request for Variance.

In the interest of judicial economy, as well as obviating the necessity for an additional posting, publication, and hearing on the shed variance, it is requested that the Commissioner render an Opinion as to the merits of the shed variance. If necessary, the Opinion may be conditioned upon the success of any appeal or Request for Variance as to the

I thank you for your consideration in this matter.

Sincerely,

Keith R. Truffet

cc: Mr. and Mrs. Richard J. Romano Mr. and Mrs. Richard Crone



July 29, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Keith R. Truffer, Esquire Royston, Mueller, McLean and Reid Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204

> RE: Richard J. Romano, et ux, Petitioners Case No. 91-421-SPHA

Dear Mr. Truffer:

I am in receipt of your letter dated July 22, 1991 concerning my Order rendered in zoning commissioner's case No. 91-421-SPHA. I understand and appreciate your position and your clients' desire to keep the structure in question. Since the shed is in the side yard of a structure that I have determined should be removed, then the elimination of that structure renders the side yard variance moot, in my opinion. With regards to the variance for the cottage, it is my opinion that the cottage should be removed and, therefore, a hardship and practical difficulty does not exist for a structure that I believe should be removed.

I have provided your clients with ample opportunity (i.e., August 1994) to make a decision to either remove the structure or complete the appellate process. For these reasons, I will not amend my Order.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

Richard Crowe	ADDRESS 6025 Loreley Ben A Rawhite MARCH, (md. 2116
Dique Prone	white parel and in

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: June 25, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Special Hearing - Item 400, Case #91-423 R. Romano Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 6027 Lorely Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Richard Romano

APPLICANT PROPOSAL

The applicant has requested a Special Hearing to confirm "as a non-conforming use the existence of a cottage with a side yard setback of 1.5 feet in lieu of the required 35 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

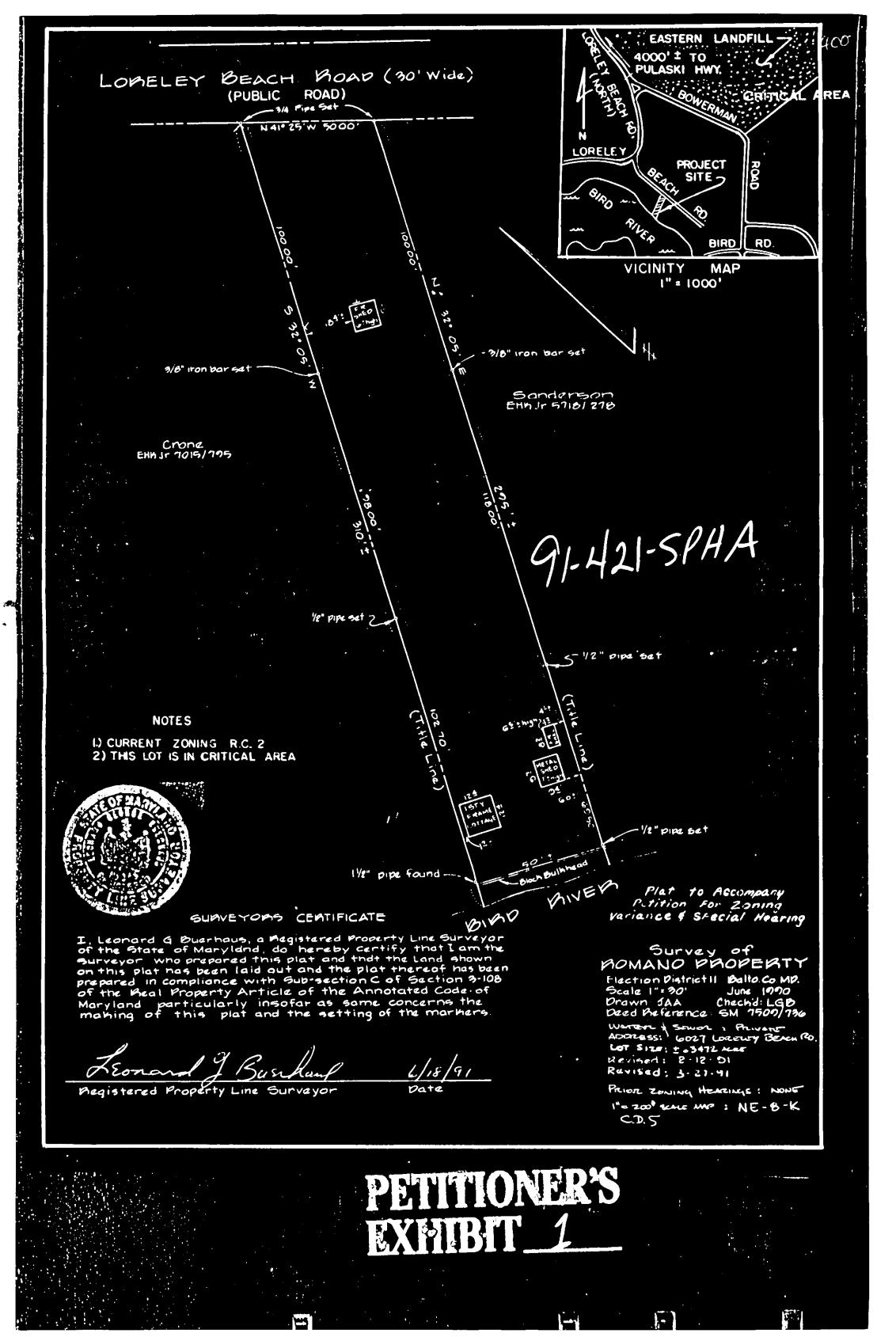
- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

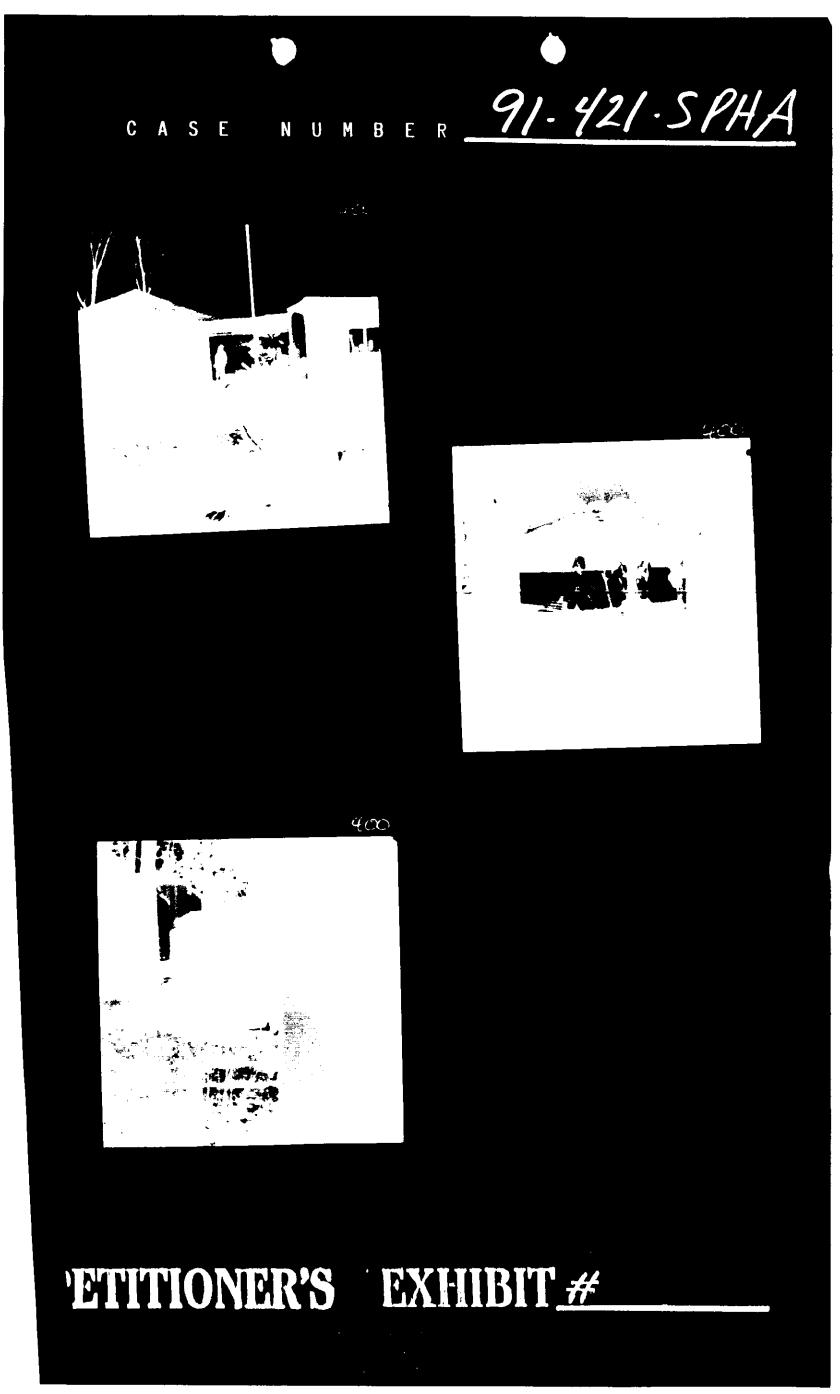
PLEASE PRINT CLEARLY	PETITIONER(S)	SIGN-IN SHEET	SPE
NAME			ADDRESS
RICHUND ROMANO		2406 1	Reckord Rd. N, MD 2104
DEBRA ROMMU	5	FAILSTON	N,MD ZIUY
THOODORE MINUS		606 5 B04	ILDIN ST.
		BALTO , MO	210,24
0			

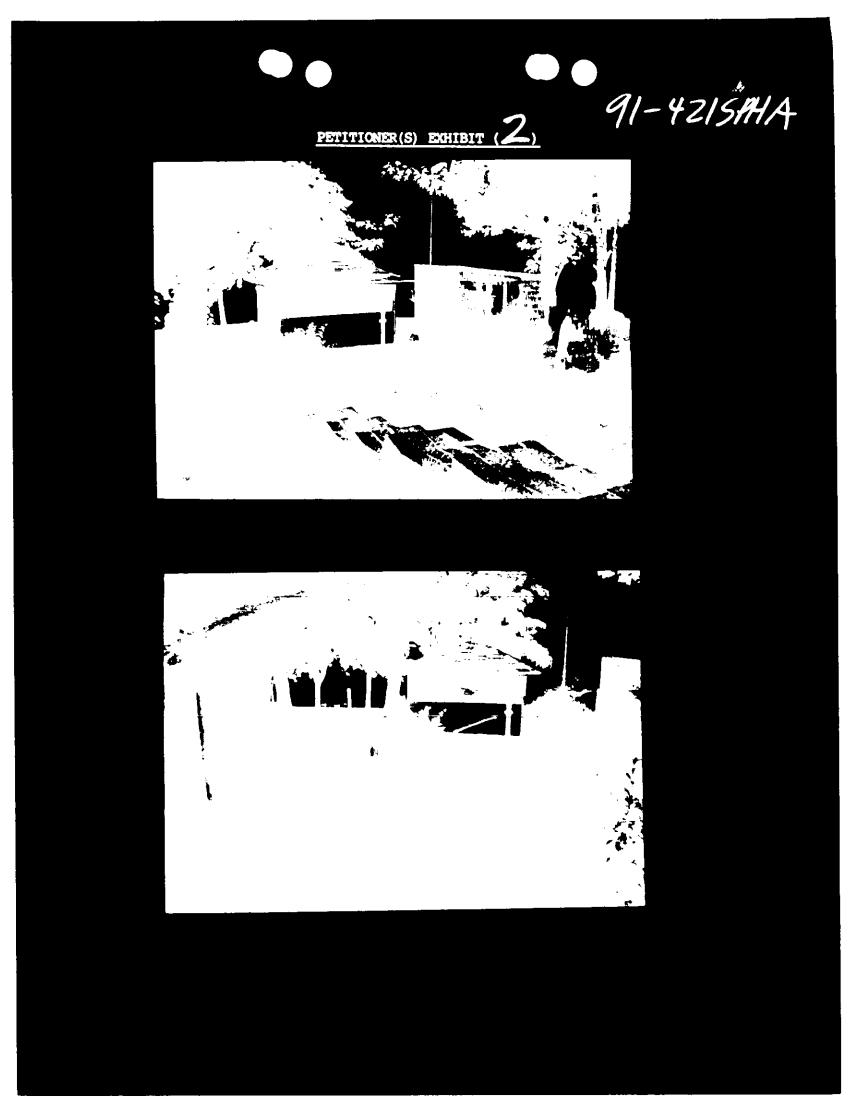
	BALTO., MD, 2122
	
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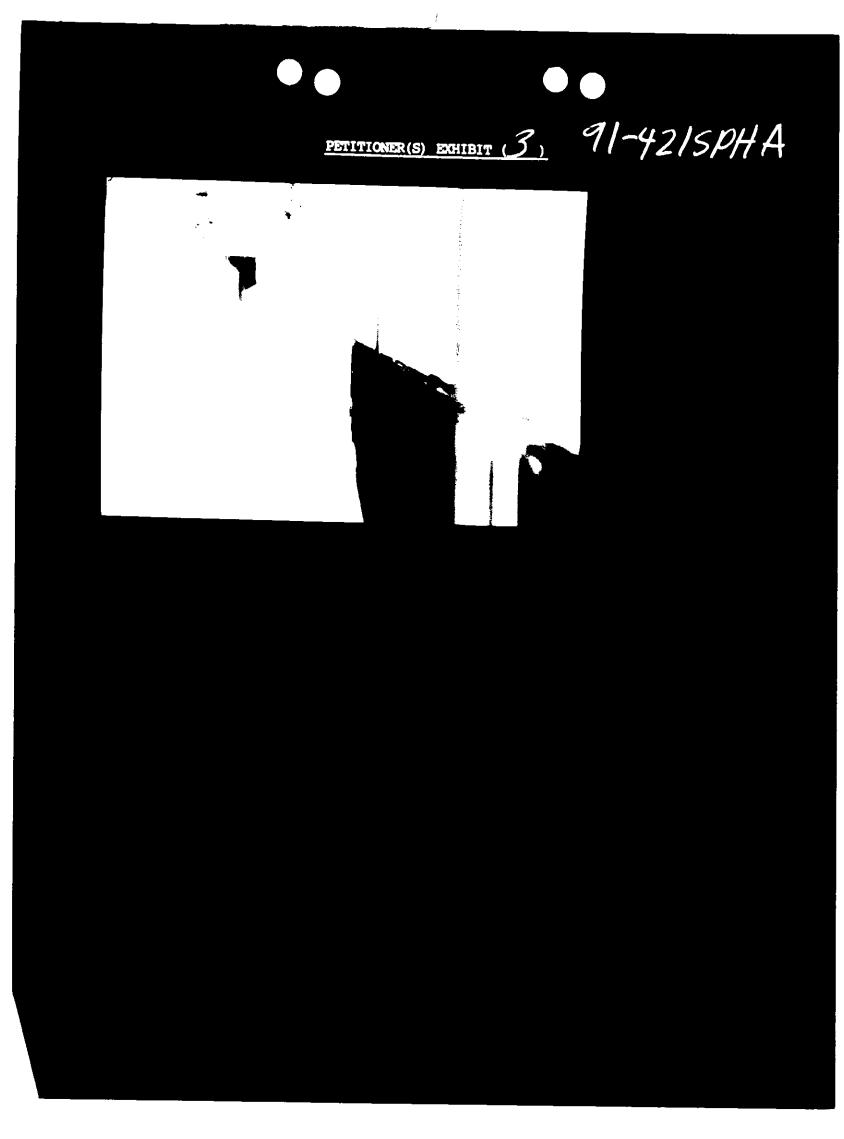
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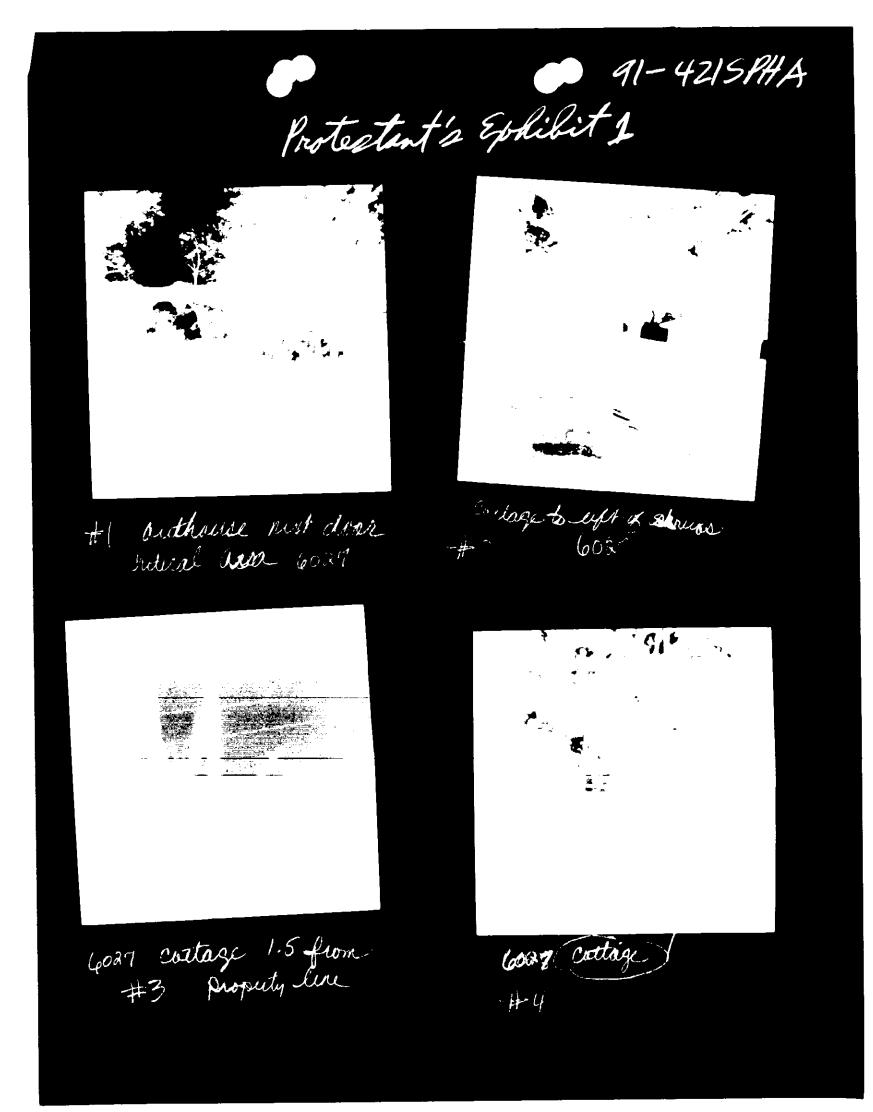
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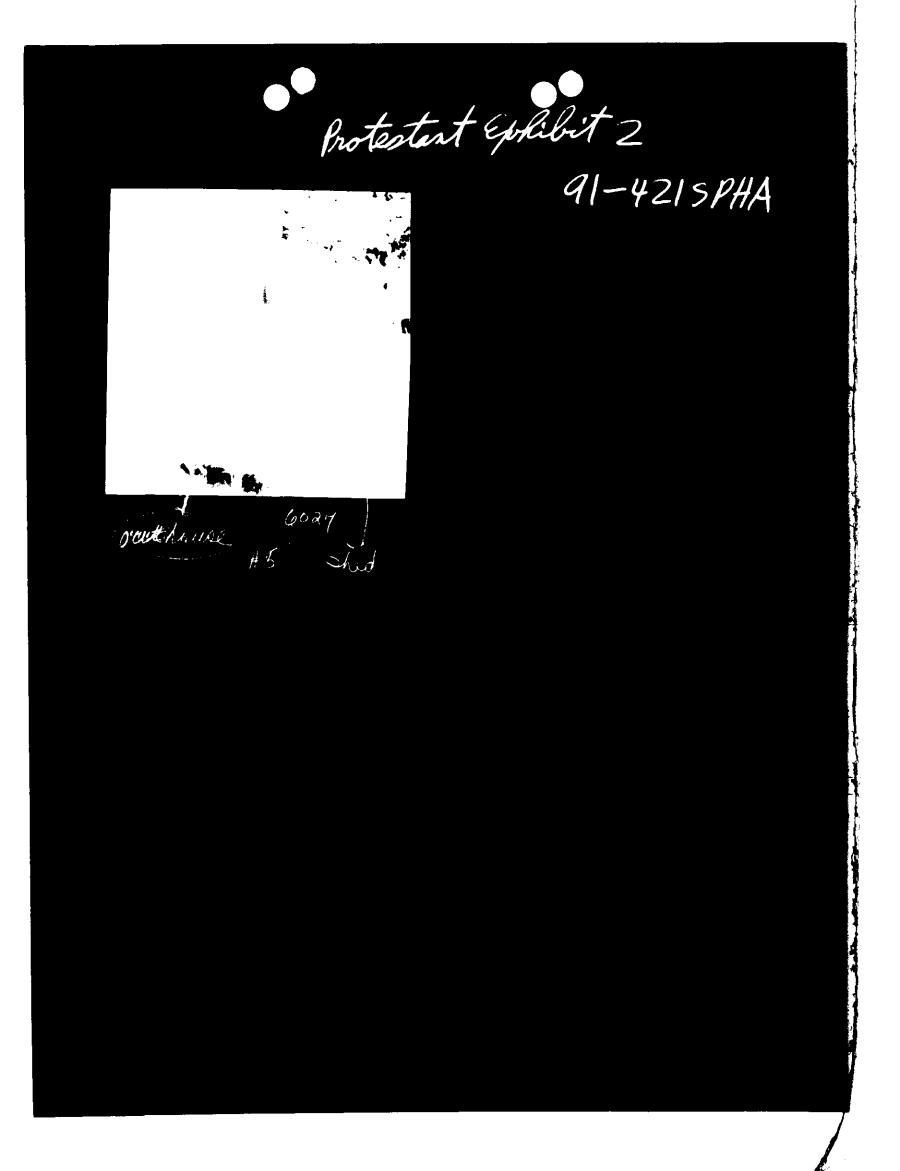


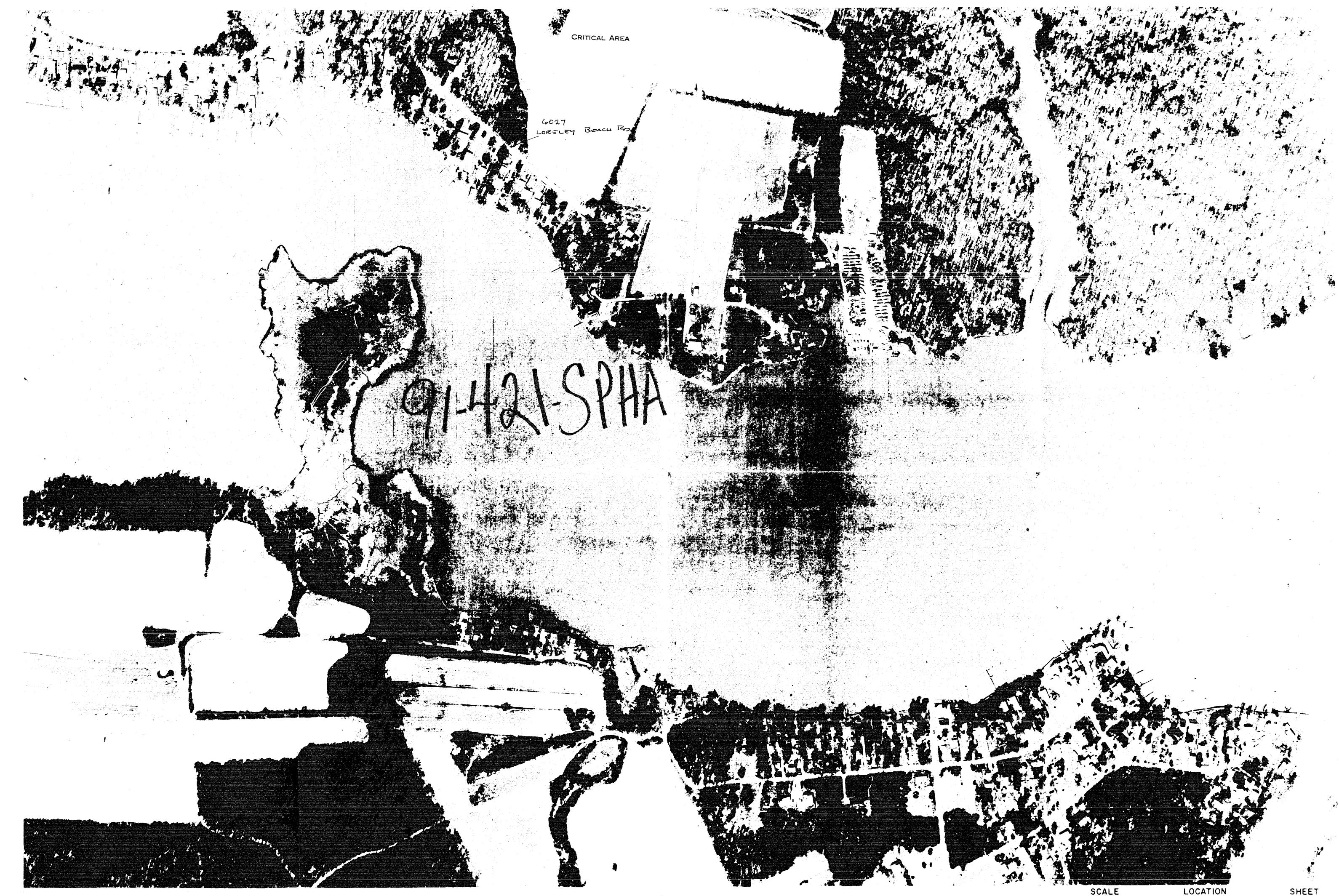












BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

1" = 200'±

JANUARY

DATE OF PHOTOGRAPHY

BIRD RIVER VICINITY

NE.